

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Senate Bill 218 be amended to read as follows:

- 1 Page 1, line 8, delete "person;" and insert "**person who is at least**
- 2 **eighteen (18) years of age;**".
- 3 Page 1, line 14, strike "proving:" and insert "**proving by clear and**
- 4 **convincing evidence;**".
- 5 Page 2, line 3, delete "proving:" and insert "**proving by clear and**
- 6 **convincing evidence;**".
- 7 Page 2, after line 7, begin a new paragraph and insert:
- 8 "**(e) Damages described in subsection (b) may not be reduced**
- 9 **by more than one percent (1%) for failing to comply with section**
- 10 **2 of this chapter.**
- 11 **(f) In order to meet the burden of proof required of a**
- 12 **defendant under this section, sufficient expert testimony must be**
- 13 **introduced to:**
- 14 **(1) establish a plaintiff's noncompliance with section 2 of this**
- 15 **chapter;**

- 1 **(2) prove that compliance would have reduced injuries; and**
- 2 **(3) prove the extent of the reduction."**

(Reference is to ESB 218 as printed March 18, 2005.)

Representative PELATH